

**Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of the Claims**

1-47. (Canceled)

48. (Previously Presented) A tissue marker delivery device comprising:  
a tube having a lumen extending therethrough;  
a tissue marker removably seated in a marker seat at a distal end of the tube;  
a rod slidably located within the tube lumen;  
an intermediate member extending the length of the marker seat and separating the rod from the tissue marker, where advancement of the rod in a distal direction displaces the intermediate member to displace the tissue marker from the marker seat; and  
a deployment lock having a portion removably attached to the tube, wherein when the portion contacts the rod, the rod is prevented from moving.

49. (Previously Presented) The tissue marker delivery device of claim 48, wherein the intermediate member is discrete from both the rod and the tissue marker.

50. (Previously Presented) The tissue marker delivery device of claim 48, wherein the intermediate member comprises a flexible covering.

51. (Previously Presented) The tissue marker delivery device of claim 50, wherein the flexible covering is made from a material selected from the group consisting of polyethylene terephthalate, polytetrafluoroethylene, and FEP.

52. (Previously Presented) The tissue marker delivery device of claim 48, further comprising a fluid between the rod and the intermediate member, wherein advancement of the rod in a distal direction displaces the fluid to displace the intermediate member.

53. (Currently Amended) A method for marking a biopsy cavity comprising the steps of:

providing a delivery device comprising

a tube having a lumen extending therethrough;

a rod ~~slidably~~ slideably located in the lumen of the tube;

a tissue marker removably located at the distal end of the tube; and

an intermediate member separating the rod from the tissue marker;

advancing the delivery device to the biopsy cavity;

releasing a deployment lock to permit distal movement of the rod;

actuating the rod to displace a portion of the intermediate member of the delivery device; and

depositing the tissue marker in the biopsy cavity.

54. (Previously Presented) The method of claim 53, wherein the delivery device further comprises a fluid between the rod and the intermediate member, where advancement of the rod in a distal direction displaces the fluid to displace the intermediate member.

55. (Currently Amended) The method of claim 53, wherein the ~~delivery device~~ further comprises a deployment lock having comprises a portion removably attached to the tube, wherein when the portion of the deployment lock contacts the rod, the rod is prevented from moving, ~~wherein the method further comprises the step of unlocking the deployment lock before the step of actuating the rod.~~

56. (Previously Presented) The method of claim 53, wherein the intermediate member comprises a flexible covering.

57. (Previously Presented) The method of claim 56, wherein the flexible covering is made from a material selected from the group consisting of polyethylene terephthalate, polytetrafluoroethylene, and FEP.

58. (New) A method for marking a biopsy cavity comprising the steps of:
- providing a delivery device comprising
    - a tube having a proximal end, a distal end, a lumen extending therethrough, and a side exit port located adjacent the distal end of the tube;
    - a rod slideably located in the lumen of the tube;
    - a tissue marker removably located at the distal end of the tube; and
    - an intermediate member separating the rod from the tissue marker;
  - advancing the delivery device to the biopsy cavity;
  - actuating the rod to displace a portion of the intermediate member of the delivery device; and
  - depositing the tissue marker through the side exit port into the biopsy cavity.
59. (New) The method of claim 58, wherein the delivery device further comprises a fluid between the rod and the intermediate member, where advancement of the rod in a distal direction displaces the fluid to displace the intermediate member.
60. (New) The method of claim 58, wherein the delivery device further comprises a deployment lock having a portion removably attached to the tube, wherein when the portion of the deployment lock contacts the rod, the rod is prevented from moving, wherein the method further comprises the step of unlocking the deployment lock before the step of actuating the rod.

61. (New) The method of claim 58, wherein the intermediate member comprises a flexible covering.

62. (New) The method of claim 61, wherein the flexible covering is made from a material selected from the group consisting of polyethylene terephthalate, polytetrafluoroethylene, and FEP.